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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/610,779

07/06/2000

Laurent Pouget

0615-102P

4878

7590

06/22/2004

Schweitzer Cornman Gross & Bondell LLP
292 Madison Avenue
New York, NY 10017

EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/610,779

Applicant(s)

POUGET ET AL.

Examiner

Patricia L Engle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 14 and 15 is/are allowed.
- 6) ☒ Claim(s) 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/13/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the shielding skin being a separate member (claim 1) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The corrected drawings submitted on April 12, 2004 did not include an explanation of what was being changed and the new reference number was not added to the specification. The examiner would prefer to see a new figure with the skin and its relationship to the bumper member.

Claim Objections

2. Claim 13 is objected to because of the following informalities: in line 6, --projecting-- should be inserted before "portion". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 11 and 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Macauley (Des 152,010) in view of Takeuchi et al. (US 5,780,125).

Regarding claim 11, Macauley discloses a front structure for a motor vehicle, said structure being made integrally in one piece and comprising: at least one bumper cross-member (second from the top) having a U-shaped cross-section (although Macauley does not show the cross section of the beam, the Examiner takes official notice that it would have been obvious to make the beam U-shaped) with a top face, a plurality of reinforcing ribs (between the upper beam and the second beam) on said top face extending parallel to the direction of compression in the event of a front impact, and a grille (above the top cross beam).

Regarding claim 13, Macauley discloses a front structure for a motor vehicle, said structure being made integrally in one piece and comprising: at least one bumper cross-member (third beam), a grille (above the upper beam), and a projection portion (lowest beam) situated in a lowermost part of the structure, said bumper cross-member and said projecting portion projecting from the front of the vehicle and having front ends which are situated in a common substantially vertical plane (Fig. 2 shows how the third and fourth beam are situated in relation to the vertical member and they are similarly situated therefore it would have been obvious to one of ordinary skill in the art that they are in a common substantially vertical plane).

Macauley does not disclose that the front structure is made of plastic.

Takeuchi et al. disclose a front structure for a motor vehicle in which the front structure is made of plastic.

Macauley and Takeuchi et al. are analogous art because they are from the same field of endeavor, i.e., front structures for motor vehicles.

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At the time of the invention, it would have been obvious to one of ordinary skill in the art to make the front structure of Macauley of plastic as taught by Takeuchi et al.

The motivation would have been to make the front structure light weight (which would increase the fuel efficiency) and inexpensive.

Therefore, it would have been obvious to combine Takeuchi et al. with Macauley to obtain the invention as specified in claim 13.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darrin (Des. 152,398) in view of Takeuchi et al.

Darrin discloses a front structure for a motor vehicle, said structure being made integrally in one piece and comprising: at least one bumper cross-member (Fig. 2) comprising a front wall having a plurality of shock absorbers (both Fig. 4 and the member next to line 4-4 in Fig. 2) having egg-shaped bulges (Fig. 4 and Fig. 2), and a grille (Fig. 1).

Darrin does not disclose that the front structure is made of plastic.

Takeuchi et al. disclose a front structure for a motor vehicle in which the front structure is made of plastic.

Darrin and Takeuchi et al. are analogous art because they are from the same field of endeavor, i.e., front structures for motor vehicles.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to make the front structure of Darrin of plastic as taught by Takeuchi et al.

The motivation would have been to make the front structure light weight (which would increase the fuel efficiency) and inexpensive.

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Therefore, it would have been obvious to combine Takeuchi et al. with Darrin to obtain the invention as specified in claim 13.

Allowable Subject Matter

7. Claims 1-10, 14 and 15 are allowed.

8. The following is an examiner's statement of reasons for allowance: The primary reason for the allowance of claims 1-10, 14 and 15 is the inclusion of the limitation that the separately formed skin is permanently covering the front structure, which is now in the independent claims, in combination with the other elements recited.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777. The examiner can normally be reached on Monday - Friday from 8:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle

Examiner

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June 10, 2004